



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicants: Julie A. Campbell et al.

Group Art Unit: 2858

Serial No.: 10/607,791

Examiner:

Filed: June 27, 2003

Docket No: LeCr:Cart2

Title: CARTRIDGE SYSTEM FOR A PROBING HEAD FOR AN ELECTRICAL
TEST PROBE

STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
October 23, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Karen Dana Oster, whose address is Law Office of Karen Dana Oster (Reg. No. 37,621), LLC, PMB 1020, 15450 SW Boones Ferry Rd. #9, Lake Oswego, OR 97035, am the attorney of record for the present application, and make the following statements:

1. There are actual infringements of this invention. One exemplary actual infringement is detailed in this Statement.
2. The present application is a continuation application for United States Patent Application No. 09/629,258 (which issued as United States Patent 6,605,934) which was filed on July 31, 2000.
3. Tektronix is currently offering a P7330 3.5 GHz Differential Probe for sale at http://www.tek.com/site/ps/0,,60-13756-INTRO_EN,00.html. The assignee of

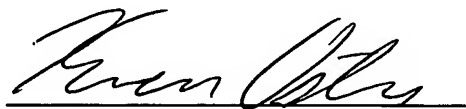
the present invention was able to obtain a P7330 3.5 GHz Differential Probe at least as early as May 2001.

4. I believe the P7330 3.5 GHz Differential Probe would infringe the currently pending claims of the present application and a rigid comparison of the alleged infringing device (the P7330 3.5 GHz Differential Probe) with the currently pending claims of the present application is set forth in the accompanying Statement by Attorney in Support of Petition.

5. U.S. Patent No. 6,466,000 to Nightingale which was filed June 29, 2000 (and which claims priority to Provisional Application No. 60/208,945 which was filed on May 31, 2000) discloses many of the elements of the P7330 3.5 GHz Differential Probe. I have not reviewed the file histories of the issued patent or the provisional application as the inventors of the present invention have provided me with proof that their invention was conceived prior to May 31, 2000 and was diligently pursued.

I declare that all statements made herein are of my own knowledge or on information provided by applicants. To my knowledge, I declare that all statements made herein are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen Oster", is written over a horizontal line.

Karen Dana Oster
Reg. No. 37,621
Of Attorneys of Record
Tel: (503) 810-2560



FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/607,791
Filing Date	June 27, 2003
First Named Inventor	Julie A. Campbell et al.
Examiner Name	
Art Unit	2858
Attorney Docket No.	LeCr:Cart2

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number
Deposit
Account
Name

50-2115

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Small Entity Fee Code	Fee (\$)	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	160	80	Provisional filing fee	
SUBTOTAL (1)					0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	0
Multiple Dependent	-3** =	X	0

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Karen Dana-Oster	Registration No. (Attorney/Agent)	37,621	Telephone	(503) 810-2560
Signature		Date	October 23, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicants: Julie A. Campbell et al. Group Art Unit: 2858
Serial No.: 10/607,791 Examiner:
Filed: June 27, 2003 Docket No: LeCr:Cart2
Title: CARTRIDGE SYSTEM FOR A PROBING HEAD FOR AN ELECTRICAL
TEST PROBE

PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT
(37 C.F.R. § 1.102 AND M.P.E.P. § 708.02)

Law Office of Karen Dana Oster, LLC
PMB 1020
15450 SW Boones Ferry Rd. #9
Lake Oswego, OR 97035
October 23, 2003

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition to make this application special because of actual infringement.

Accompanying this petition is a Statement of Facts in Support of Petition to Make Special Because of Actual Infringement and a Statement by Attorney in Support of Petition to make Special Because of Actual Infringement.

The fee required is to be paid by the attached check for \$130.00. The Commissioner is hereby authorized to charge any additional fee, or credit any overpayment, to Deposit Account No. 50-2115. A duplicate copy of this sheet is enclosed.

The person making this statement is the attorney who signs below on the basis of the information supplied by the inventor and the information in the file.

Respectfully submitted,

Karen Dana Oster
Reg. No. 37,621
Of Attorneys of Record
Tel: (503) 810-2560



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT APPLICATION EXAMINING OPERATIONS

Applicants: Julie A. Campbell et al. Group Art Unit: 2858
Serial No.: 10/607,791 Examiner:
Filed: June 27, 2003 Docket No: LeCr:Cart2
Title: CARTRIDGE SYSTEM FOR A PROBING HEAD FOR AN ELECTRICAL
TEST PROBE

STATEMENT IN SUPPORT OF PETITION TO MAKE SPECIAL
BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02)

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Commissioner for Patents
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Dear Sir:

I, Karen Dana Oster, whose address is Law Office of Karen Dana Oster (Reg. No. 37,621), LLC, PMB 1020, 15450 SW Boones Ferry Rd. #9, Lake Oswego, OR 97035, am the attorney of record for the present application, and make the following statements:

1. Applicants have good knowledge of the pertinent prior art. For example, Julie A. Campbell, the first named inventor of the present invention has been working with electrical test probe technology since at least 1989. From 1989 until 1991 Ms. Campbell had significant electrical test probe experience in the form of an internship in the technology. Ms. Campbell is presently the Senior Mechanical Engineer at LeCroy Corporation. Throughout her experience she has seen physically

or in graphical representations at least 800-1000 electrical test probes or variations thereof. Throughout her experience she has designed at least 15 electrical test probes in full or in part.

2. Ms. Campbell and other agents of LeCroy Corporation have made significant efforts to search for pertinent prior art. Further, the Examiner made a prior art search in the parent application. Still further, in June 2000 a reputable search agent was hired to perform a search on the basic concepts of the present invention.

3. All relevant information and prior art is being provided to the Examiner in Information Disclosure Statements filed electronically and concurrently herewith.

4. I have reviewed the alleged infringing P7330 3.5 GHz Differential Probe referred to in the accompanying STATEMENT OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (M.P.E.P. § 708.02). My review of the P7330 3.5 GHz Differential Probe specifically included information found at Tektronix's website (http://www.tek.com/site/ps/0,,60-13756-INTRO_EN,00.html), the Tektronix Instruction Manual for the P7330 3.5 GHz Differential Probe, U.S. Patent No. 6,466,000 to Nightingale, and information provided by Ms. Campbell.

5. I have made a rigid comparison of the alleged infringing P7330 3.5 GHz Differential Probe with the claims of this application.

6. In my opinion, claim 20 on file in this application is unquestionably infringed by the P7330 3.5 GHz Differential Probe.

7. Pending claim 20 reads as follows:

"20. A cartridge system for an electrical test probe, said system comprising:

- (a) a main probing head body;
- (b) electronics positioned within said main probing head body;
- (c) a switchable and replaceable probing tip cartridge, said probing tip cartridge having at least one foot;
- (d) a probing tip interconnectable with said probing tip cartridge;

- (e) a minimally inductive electrical contact mechanism protruding from said main probing head body, said electrical contact mechanism for electrically coupling said electronics to said probing tip when said probing tip cartridge is in mating relationship with said main probing head body; and
- (f) said probing tip cartridge being held in place by said at least one foot extending into said main probing head body."

6. The following is a summary of my rigid comparison of the alleged infringing P7330 3.5 GHz Differential Probe with pending claim 20. For purposes of simplicity, elements of the P7330 3.5 GHz Differential Probe are discussed using reference numbers from U.S. Patent No. 6,466,000 to Nightingale. The P7330 3.5 GHz Differential Probe has a main probing head body shown as tubular housing 102. The P7330 3.5 GHz Differential Probe has electronics shown as electrical components 154 mounted on substrate 106, both of which are positioned within the main probing head body. The P7330 3.5 GHz Differential Probe has a switchable and replaceable probing tip cartridge (probe tip holder 80), the probing tip cartridge having at least one foot (protrusions 138). The P7330 3.5 GHz Differential Probe has a probing tip shown as reference numerals 126 and 128 that are interconnectable with the probing tip cartridge. The P7330 3.5 GHz Differential Probe has a minimally inductive electrical contact mechanism (gold foil contact 150) protruding from the main probing head body. The electrical contact mechanism of the P7330 3.5 GHz Differential Probe electrically couples the electronics to the probing tip when the probing tip cartridge is in mating relationship with the main probing head body. Finally, the P7330 3.5 GHz Differential Probe has the probing tip cartridge being held in place by the at least one foot extending into the main probing head body (the apertures 140).

9. Based on representations by Julie A. Campbell, the P7330 3.5 GHz Differential Probe being made, used, and sold meets all of the limitations of claim 20.

10. In my opinion, claims 1-2, 9, 11-12, and 16-19 on file in this application may also be infringed by the P7330 3.5 GHz Differential Probe.

11. I have made and/or caused to be made a careful and thorough search of the prior art. Specifically, in June 2000 a reputable search agent was hired to

perform a search on the basic concepts of the present invention. A search was also conducted by the Examiner in the parent application. Still further, as set forth above, applicants have a good knowledge of the pertinent prior art.

12. I believe all the claims in this application as on file are allowable over the art of which I am aware.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen Oster", is written over a horizontal line.

Karen Dana Oster
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Tel: (503) 810-2560